

Inside this issue:

Improving ODSP Medical Reviews	2
New Satellite Offices	2
Important information about Prince Edward Heights	2
Difference between ODSP and CPP	3
Good news for victims of crime	4
Ombudsman complaint—WSIB's treatment of medical opinions	4
Keeping employers' hands out of the tip jar	5
Beware—phone and email scams	6
Expansion of clinic services good news for clients	7

Why do we need Justice & Health Partnerships? Because legal problems are health problems too

The social determinants of health (things such as: housing, income, education and working conditions) have been described as the “causes of causes” of poor health – and they have a much bigger impact than you might realize. Many of the social conditions that are making people sick can be traced back to laws that are improperly applied, resulting in an unfair denial of services or benefits. People living in poverty are more likely to have a legal problem that is negatively affecting their health. These are health-harming legal needs, and health could be improved by treating them. However, providing this special type of treatment is often beyond the expertise of the most experienced health practitioner.

That's where CALC steps in. We provide free assistance to low-income individuals to enforce their legal rights, including their rights to safe, properly maintained housing and income benefits. We are working with healthcare providers on a Justice & Health Partnership Project to address health-harming legal needs and treat the root causes of ill-health.

When legal problems are addressed within a justice & health partnership:

- People with chronic illnesses are admitted to the hospital less often;
- Patients and healthcare providers alike report less stress;
- People more commonly take their medications as prescribed;
- People are required to make fewer trade-offs between rent, food, utilities and medical care.



Through the Justice & Health Partnership Project we are working to educate healthcare providers on the importance of legal care, increase access to legal services and catch legal problems early, before they balloon into legal crises. We are also hoping to see a reduction in the number of

Ontario Disability Support Program (ODSP) appeals through the better completion of medical applications. This would allow both healthcare providers and CALC to redistribute resources currently spent on ODSP to other areas of need.

The Justice & Health Partnership Project is currently running in six locations:

- Belleville Nurse Practitioner-Led Clinic;
- Belleville and Quinte West Community Health Centre;
- Gateway Community Health Centre;
- Napanee Area Community Health Centre;
- North Hastings Family Health Team;
- Queen's Family Health Team – Belleville-Quinte Site.

Join us in November for a special Access to Justice Forum on Justice & Health Partnerships.

Lisa Turik, Clinic Lawyer

POSITIVE SPACE



CALC is a place where human rights are respected and where lesbian, gay, bisexual, trans, two spirit and queer people, and their friends and allies, are welcomed and supported.

Improving Ontario Disability Support Program (ODSP) Medical Reviews

For many years CALC has been advocating with other community legal clinics, including the Income Security Advocacy Centre, and health care providers to improve the medical review process for disabled people receiving ODSP benefits. Medical reviews, done to confirm that your disability is still continuing, have been used by the Ministry of Community and Social Services as an inappropriate re-application process requiring a burdensome second round of proving one's disability. This

longstanding problem threatened to become a crisis when the Ministry devoted extra resources to conduct 65,000 more medical reviews.

We have been advocating for a simpler process that provides protections for vulnerable clients. The Ministry recently committed to working with stakeholders to develop a new medical review process that will focus on the appropriate legal issue – whether or not the client's medical

condition has improved. The Ministry has also stated that these changes are part of a wider effort to improve ODSP decision-making so that those who are eligible get their benefits sooner without the need for appeals.

If you have questions about the medical review process please call us.

Deirdre McDade, Acting Executive Director



New satellite offices — we are now in Tweed and Marmora!

We are happy to announce that we are now able to meet clients in both Tweed and Marmora. We will be in Tweed at 41 McClellan Street (Gateway Community Health Centre) the first Tuesday of every month from 3:30—4:15 pm. In Marmora, we will be at 1 Madoc Street (Marmora Medical Centre) one Tuesday per month from 1:00—4:00 pm (days may vary). For maps and directions, see our website's Contact Us tab. Please call our main office in Belleville to book an appointment.

Important information about Prince Edward Heights

Did you or someone you know live at Prince Edward Heights in Picton, Ontario, between January 1, 1971 and December 31, 1999?

Clegg v. Ontario is a class action lawsuit before the Ontario Superior Court of Justice, alleging that the Province of Ontario failed to properly care for and protect people living in twelve institutions that housed people with disabilities. The parties involved reached a proposed settlement to end the class action without a trial.

If you lived at **Prince Edward Heights** between **January 1, 1971 and December 31, 1999**, you may be part of the lawsuit and settlement. If eligible, you could

receive to up to \$2,000. You may also be eligible to receive up to \$42,000 if you submit written information about how you were harmed or abused while under the care of Prince Edward Heights or any other listed institution.

For a complete list of the 12 institutions involved in the lawsuit go to: <http://goo.gl/YBosX5>

If you know someone who lived at a place on this list, please share this information with them and their family, friends, caregivers or support workers.

If the settlement is approved by the court, a claims process will begin and you can ask for compensation.

- You will have to complete a form to ask for compensation and send it to the claims office. The claims office will determine your eligibility.
- If you are receiving support from the government of Ontario, such as social assistance, ODSP, or developmental services, it will not be affected by your claim or any compensation you may receive.

If you want more information about the application process, you can contact us.

Charlotte Chittenden, Student-at-Law

Income support for people with disabilities: Difference between ODSP & CPPD

There are two main income support programs for people with disabilities living in Ontario. Each program requires you to prove different things relating to your disability and financial eligibility.

What is a Disability?

“Disability” does not mean the same thing for the purposes of qualifying for the Ontario Disability Support Program (ODSP) and Canada Pension Plan Disability (CPPD).

For ODSP, you are a person with a disability if:

- You have **substantial** mental and/or physical **impairments** (symptoms);
- Your impairments are expected to **last one year or more**; and
- Your impairments **substantially restrict** your ability to work, care for yourself, or participate in the community.

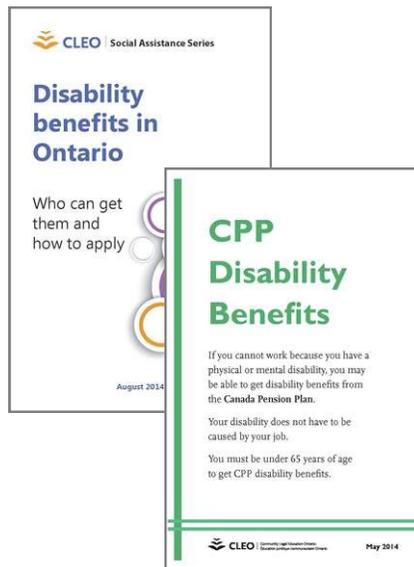
For ODSP, “substantial” means significant, but not severe. For example, someone who has back pain may show that it is hard for them to walk long distances, but they don’t have to be completely unable to walk to show they are a person with a disability.

To qualify for CPPD, you must show that your mental and/or physical disability is:

- Severe (i.e. you can’t do any type of regular work);
- Prolonged (i.e. long-term, indefinite duration, or likely to result in death); and
- Prevents you from being able to regularly work at any job.

What are the Financial Eligibility Rules?

To be eligible for ODSP, you have to prove that you have **financial need**. You have to show that the costs of your household’s basic needs are higher than your household’s income and assets.



If you are granted ODSP benefits, you have to continue to show that you are in financial need in order to keep receiving your benefits. This means that you have to report to your ODSP caseworker if you start getting income (i.e. you start working part-time), or if you receive any assets (i.e. you inherit a house).

The financial eligibility rules are much different for CPPD and are **not** based on financial need. To qualify for CPPD, you must have worked and contributed to the CPP for either four of the last six years, or three of the last six years if you have contributed for at least 25 years. This means that instead of

showing your income or assets like ODSP requires, you have to show that you worked enough to qualify for CPPD.

If your financial situation changes (i.e. you have an increase in income or assets), or if you move in with a spouse, you will still get CPPD as long as you still have a disability. But if you get CPPD and start working, finish school, or earn a certain amount of money, CPPD may look at whether you still meet their definition of disability.

Other Differences between ODSP and CPPD

- CPPD is taxable; ODSP is not.
- You can get CPPD living anywhere in the world; you can get cut off ODSP if you are outside Ontario for more than 30 days.
- When you turn 65 on CPPD, your CPPD is replaced by CPP retirement benefits; when you turn 65 on ODSP, you keep getting ODSP if you are financially eligible.
- You don’t get healthcare benefits on CPPD; on ODSP you get drug, dental, vision, and hearing benefits. So even if you qualify for CPPD, you may want to apply to ODSP to take advantage of the extra healthcare benefits.

If you have questions about CPPD or ODSP, please call us.

Danielle Holbrough, Articling Student

(Article adapted from: CLEO, “*On the Radar: Income support options for people with disabilities*,” <http://bit.ly/1rtgdgiP>.)

Good news for victims of crime!

In March 2016, Bill 132 *Sexual Violence and Harassment Action Plan Act* was passed by the Ontario government.

Now there are no time limits for filing a Criminal Injuries Compensation Board (CICB) application for crimes of sexual violence, or of violence that occurred within a relationship of intimacy or dependency.

For other types of crimes of violence, an application for compensation still should be made within two (2) years after the date of the injury, but the Board may extend the time.

Bill 132 eliminates the limitation period for CICB applications for people who have been the victim of sexual violence or violence that occurs within a relationship of intimacy or dependency.

CALC has been advocating for this change and did a presentation to the parliamentary committee considering this law.



We are happy that this sends a message to abuse survivors that their claims are important, and that they no longer have to justify why they did not start an application within two years.

If you would like information about CICB or would like to make a claim for compensation, please contact us.

Sharon Powell, Community Legal Worker/Licensed Paralegal

Complaint to Ombudsman—WSIB's treatment of medical opinions

Our clinic and others across the province have participated in a campaign seeking the help of the Ontario Ombudsman to investigate the Workplace Safety and Insurance Board's (WSIB) treatment of medical evidence.

In addition to letters sent, the Ombudsman has been provided with workers' stories that highlight the problems. These problems include the WSIB practice of following a medical opinion from a doctor who has never met a worker instead of the medical opinion provided by an injured worker's primary treatment provider.

This practice by the WSIB results in increased denials of WSIB claims, increased refusals to cover treatment, injured workers being

forced back to work before they are medically ready, and prolonged appeals needed to get workers the benefits they are legally entitled to.



The further consequence is that costs of workplace injuries are often passed down to the publicly funded health and social assistance systems.

Motor vehicle accident victims have experienced similar problems with the treatment of medical evidence by insurance companies.

The complaints made by both campaigns are being investigated by the Ombudsman.

We will continue to refer complaints to the Ombudsman in cases where the WSIB has clearly ignored the medical evidence of the worker's family doctor.

If you need help with a WSIB claim, please call us.

Trisha Simpson, Clinic Lawyer

Keeping employers' hands out of the tip jar!

Starting June 10, 2016, it will be illegal for employers to keep a portion of employees' tips and other gratuities, except as permitted by the *Employment Standards Act, 2000* (ESA).

These rules affect employers and employees covered by the ESA in workplaces where tips and gratuities are received – such as at bars, restaurants, hair and nail salons, catering firms and taxis. The changes come as a result of Bill 12 *Protecting Employees' Tips Act, 2014*.

What are considered tips and gratuities?

Tips and gratuities include money voluntarily given by a customer for customer service. It could be given to the employee directly, like money left on a table or bar for a server. Or it could be given to the employee indirectly, like a tip paid using electronic payment like debit or credit, or in a tip jar.

Tips and gratuities can also include any service charges imposed by an employer on a customer that the customer intends or assumes would be given to employees (e.g.,

banquet hall service fees, catering service fees, group table service charges).

What will be prohibited?

Employers will be prohibited from withholding, making deductions from or causing the employee to return tips and other gratuities. There are two situations in which this prohibition does not apply:

- If the employer collects and redistributes the money among its employees, a practice often referred to as "tip pooling."
- If a statute or a court order authorizes it.

Employers can't make deductions from tips for things like faulty work, cash shortages, or lost or stolen goods.

Employers will generally be prohibited from sharing in a tip pool. The exception is if the employer owns all or part of the business, and he or she regularly

performs the same work to a large degree of:

- Some or all of the employees who share in the tip pool, or
- Those in the same industry who would normally receive tips.



For example, this exception would apply if a restaurant owner spent a substantial amount of his or her time serving food or in the kitchen doing the same work as staff members who receive a portion of a tip pool. The same standard applies to directors and shareholders of corporations.

The ministry is currently seeking input on a proposal to exclude credit card processing fees from tips.

Article from: Ministry of Labour - Tips and Gratuities,
www.labour.gov.on.ca/english/es/pubs/is_tips.php.

Gina Cockburn, Clinic Lawyer

New clinic software: Service delays possible



software in November 2015.

There has been a delay in the development of the software and the new roll-out date is now set for **July 2016**.

In our last newsletter we advised that all legal clinics in Ontario would be receiving new

There may be delays in our service as we familiarize ourselves with the software and work out any bugs. Over time, we hope this software will make it easier and quicker for us to manage our legal work and to improve our services to you. During this transition period we appreciate your patience and understanding!

Carolyn Hamilton, Executive Assistant

ODSP phasing out cheques

If you still receive a paper cheque from ODSP you should consider setting up direct deposit soon. ODSP plans to eventually phase out all cheques in an effort to reduce costs.

Direct deposit means no waiting for a cheque in the mail or worrying about lost or stolen cheques. Consider getting direct deposit today!

Beware! Telephone and email scams on the rise

Thousands of people lose money to telephone and email scams every year. A 'scam' is defined as a fraudulent scheme performed by a dishonest individual or company attempting to get money or something else of value. Often, scams involve people impersonating friends or family and asking them for money to help with a 'serious' situation, but scammers can also pose as an institution.

The RCMP and Canadian Revenue Agency (CRA) have issued warnings about scams targeting taxpayers. Scammers impersonate CRA employees and tell taxpayers they either owe money or are eligible for a tax refund. You might be asked to give money, personal or financial information, and might be told you will be arrested or serve jail time if you refuse.

Be vigilant about protecting your money, information and identity. Here are some tips on how to avoid fraud and what to do if you suspect you have been the target of a scam or identity theft.

- **Do Your Homework:** Do not provide money or personal information, or sign anything without checking the credentials of the person or company you are dealing with.
- **Be Suspicious:** Do not respond to any phone calls or emails asking for your address, Social Insurance Number, passport, health card, driver's licence, bank account or credit card numbers.
- **Seek Advice:** Before agreeing to an offer or making a decision on the phone or over email, take the time to get independent advice.

- **DO NOT CLICK the Link!** Log on to a website directly rather than clicking links in an email.
- **Take Your Time:** There are no guaranteed 'get-rich-quick' schemes.
- **Screen Your Calls:** Register on the 'National Do Not Call List.' This federal service reduces the number of telemarketing calls you receive by restricting access to your phone number. For more information call them toll-free at 1-800-580-3625 or visit <https://www.lnnte-dncl.gc.ca>.



If You Have Been Scammed

- **Stop!** Do not communicate further with the potential scammer and gather any records you have of the fraud or scam (letters, emails, texts).
- **Cancel:** Cancel any missing or stolen identification.
- **Report:** Call your local police as soon as possible and ask for a copy of the police report. Contact your financial institutions and provide them with the police report and details of the incident.
- **Review:** Check financial statements as soon as possible and immediately report any errors to your financial institution.
- **Contact:** Contact credit reporting agencies (e.g. Equifax and TransUnion) and ask for a copy of your credit report. If

you ask for a free copy of your credit report they have to send you one in the mail.

- **Change:** Change passwords and PINS on any affected accounts. Check your privacy settings on social media accounts.
- **Trust Your Instincts:** If it seems too good to be true, it usually is!

If you have had your identity stolen, you can report the identity theft to the Canadian Anti-Fraud Centre (CAFC) by calling 1-888-495-8501 or by visiting www.antifraudcentre-centreantifraude.ca.

If you were the victim of a scam or unfair marketing practice, you can contact the Competition Bureau to file a complaint at 1-800-438-5358 or by visiting their website at www.competitionbureau.gc.ca.

If you want to warn other people about a scam, you can contact the Ministry of Consumer Services at 1-800-889-9768 or at www.ontario.ca/consumer.

Charlotte Chittenden, Student-at-Law



Pop-up legal advice clinics

We continue to hold legal advice clinics at food banks and community agencies. If your low-income clients could use free legal advice, call us and we will provide a pop-up clinic at your agency or community event.

Where can you get emergency financial help?

Do you need funds to help pay rent or utility arrears, or other emergency housing expenses? There are programs available to help.

Hastings County has a Housing and Homelessness Fund (HHF) and Prince Edward and Lennox & Addington Counties have a Community Homelessness Prevention Initiative (CHPI).

These programs can provide emergency assistance to help low-income people pay emergency

housing expenses, such as rent and heating bills.

To apply to the HHF in Hastings County, call, toll-free, 1-866-414-0300. If you receive Ontario Works or Ontario Disability, call your caseworker.

To apply for CHPI in Prince Edward or Lennox & Addington Counties, call 1-866-716-7991.

When you apply for benefits, ask for a decision letter. Call us if you are denied.

 Ontario Energy Board

THERE'S HELP FOR LOW-INCOME HOUSEHOLDS

You may qualify for a reduction on your electricity bill with the new Ontario Electricity Support Program.

Apply Now



Hydro bill too high? You can receive a monthly rebate on your hydro bill by applying to the Ontario Electricity Support Program. Call 1-855-831-8151 or visit their website at:

<https://ontarioelectricitysupport.ca/>.

Expansion of clinic services is good news for clients

Our recent expansion into some Consumer Law helped a local man, who we will call Mr. X, resolve the mystery of his missing car.

Mr. X purchased a car, with an extended warranty, from a local dealership. The car was damaged and taken to the same dealership for repairs. The dealership performed the repairs, told Mr. X that the repairs were covered under the extended warranty, and sent him on his way.

Two weeks later, the dealership called Mr. X to say that the repairs were actually not covered under the warranty and that he owed the dealership \$800. He did not think he owed this money because he had been told the repairs were free, and he did not pay the dealership.

He went to visit his grandchildren out of town for a few weeks. When he returned to town, there

was a notice in the mail from the dealership that a lien had been registered against his car.

Two days later, he woke up in the morning to find that his vehicle was gone from his driveway. Mr. X called the police and local tow companies to locate his car. He discovered that his vehicle had been towed by the dealership.



Mr. X contacted us for help. The dealership had not followed

several laws dealing with vehicle repairs and liens. After the clinic contacted the dealership, the vehicle was immediately returned to Mr. X with the added bonus of two free oil changes. The dealership apologized for the error and inconvenience.

Our client had his vehicle back the same day he contacted us and he was very happy with the result.

If you have a Consumer Law problem you can contact us for information and advice.

There are also many online resources that advise consumers of their rights and responsibilities, and how to make consumer complaints, including:

- **Ministry of Government and Consumer Services** (which includes information on how to file a consumer complaint), www.sse.gov.on.ca/mcs/en/pages/default.aspx
- **Your Legal Rights** <http://yourlegalrights.on.ca/legal-topic/consumer-law>
- **Community Legal Education Ontario (CLEO)** www.cleo.on.ca
- **Office of Consumer Affairs** www.ic.gc.ca/eic/site/oca-bc.nsf/eng/home

Trisha Simpson, Clinic Lawyer

BAFFLEGAB is published semi-annually by:

COMMUNITY ADVOCACY & LEGAL CENTRE

158 George Street, Level 1
Belleville, Ontario K8N 3H2

Phone: 613-966-8686
Toll-Free Phone: 1-877-966-8686
TTY (for the Deaf): 613-966-8714
Toll-Free TTY: 1-877-966-8714

Fax: 613-966-6251
Email: calc@lao.on.ca

www.communitylegalcentre.ca

 <http://twitter.com/calctweets>

 <http://www.facebook.com/CommunityLegalCentre>

 Do you prefer to receive our newsletters by email?
Email us at calc@lao.on.ca.



Public Legal Education Sessions Available

If you would like a presentation to your group or organization on a specific legal topic, please call us!

CALC
Community Advocacy & Legal Centre

Your community legal clinic

The Community Advocacy & Legal Centre is a non-profit community legal clinic, funded by Legal Aid Ontario, and a registered charity. We provide free legal services to low-income residents of Hastings, Prince Edward and southern Lennox & Addington counties.

We provide legal services in the areas of:

Housing	Income Security
Rights at Work	Consumer Problems
Human Rights and Education	Compensation for Crime Victims

Are you a Service Provider? Call us any time regarding the above issues. In most cases you will be able to speak to one of our legal workers right away to answer your questions.

Show your support for our work and become a clinic member!



If you would like to support us by becoming a member, please contact Lynda, ext. 25, or visit our website at www.communitylegalcentre.ca/about/Membership.htm to learn more and download a membership form. Memberships are free if you are living on a low income.

Legal Health Check—Call us for help!

Housing

I can't pay my rent/
utilities

I'm being evicted

I want to get out
of my lease

My landlord won't
fix anything

My landlord enters my
home when I'm away

My apartment is
too cold

The water from my well
is unsafe to drink

My apartment has
bugs/mould

www.communitylegalcentre.ca/legal_information/Legal-Health-Checklist.htm



Charitable Reg. No: 12464 4121 RR0001
Donations are greatly appreciated!

The information in this newsletter is not legal advice. If you have a legal problem in any of the areas of law mentioned in this newsletter, please contact the community legal clinic in your area. Go to www.legalaid.on.ca to find a clinic serving you.